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DDI-11-12

2005-123-C 234448  
1998-50-C 234449

**BEFORE**

**THE PUBLIC SERVICE COMMISSION**

**OF SOUTH CAROLINA**

**DOCKET NO. 2012**29**-C**

**January 11, 2012**

IN RE:	Petition of the Office of Regulatory Staff for	)	<b>PETITION OF THE</b>
	Commission to Order a Rule to Show Cause	)	<b>OFFICE OF</b>
	as to Why the Certificates of Public	)	<b>REGULATORY STAFF</b>
	Convenience and Necessity of DialTone &	)	<b>FOR A RULE TO SHOW</b>
	More, Inc. Should Not be Revoked	)	<b>CAUSE</b>

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission that:

1. The Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina. Further, the Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. §58-9-10 et seq. (Supp. 2010).

2. The South Carolina Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq. (Supp. 2010).

3. DialTone & More, Inc., (the "Company") is a certificated "telephone utility" as defined in S.C. Code Ann. §58-9-10(6) (1976) in that they are persons or corporations, their lessees, assignees, trustees, receivers or other successors in interest owning or operating in this State equipment or

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facilities for the transmission of intelligence by telephone for hire, including all things incident thereto and related to the operation of telephones.<sup>1</sup>

4. The Company is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-9-710 et seq. (1976 & Supp. 2010).

5. The Universal Service Fund (“USF”) is administered by the ORS under guidelines adopted by the Commission. S.C. Code Ann. § 58-9-280(E) (Supp. 2010).

6. The Commission USF guidelines approved in Order No. 2001-996, requires each carrier to file on an annual basis the information necessary to allow ORS to calculate the carrier’s contribution. The annual filing referred to as the Universal Service Fund Contribution Worksheet (“USF Report”).

7. The Company is required to contribute to the USF pursuant to S.C. Code Ann. §58-9-280(E)(2) (Supp. 2010).

8. The Company has failed to make required payments to the USF since February 2011. As of the date of filing of this petition, the Company owes \$34,355.85 in payments to the USF.

9. ORS made numerous attempts to negotiate a payment plan with the Company but after each attempt, Company personnel changed leaving ORS with no regulatory contact. Additionally, ORS has had great difficulty in reaching Company personnel to deal with customer service issues.

10. Upon information and belief, the Company has approximately 6,500 customers in the State of South Carolina; the majority of these customers are resold lifeline customers in the AT&T service area. Given the number of customers impacted by this petition, ORS requests that the Commission require the Company to remove any Primary Inter-Exchange Carrier (“PIC”) freezes on customer accounts.

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<sup>1</sup> The Company was granted certificates of public convenience and necessity in docket numbers 1998-50-C and 2005-123-C, Order Nos. 1998-394 and 2005-455.

11. Pursuant to 26 S.C. Code Regs 103-830.B.1, “if a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition.” In order to assist the Commission in serving this Petition on the Respondents, the Office of Regulatory Staff has provided information in Exhibit A as to the status of the Company and whether it is a foreign or domestic business entity and address for purposes of serving this Petition. S.C. Code Ann. § 15-9-210, 240, 245 (1976), set forth the procedures for serving foreign and domestic business entities.

12. “Each telephone utility shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commission and every direction, rule or regulation made or prescribed by the Office of Regulatory Staff in the performance ... or in relation to any other matter in any way relating to or affecting the business of such telephone utility and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation by all of its officers, agents and employees.” S.C. Code Ann. § 58-9-390 (Supp. 2010).

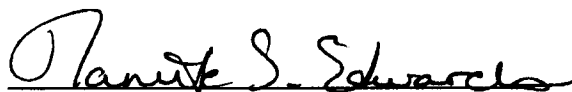
13. Pursuant to S.C. Code Ann. §58-9-1120 (Supp. 2010), “the Commission may ... conduct such other hearings as may be required in the administration of the powers and duties conferred by Articles 1 through 13 of this chapter and by other laws relating to telephone utilities.”

**WHEREFORE**, the ORS respectfully requests that the Honorable Commission:

1. Enter an order establishing a Rule to Show Cause instituting a formal proceeding against DialTone & More, Inc.

2. Pursuant to 26 S.C. Code Regs. 103-830.B.1, cause a copy of this petition to be served upon the Company within 14 days of the filing of the petition.

3. Require the Company to submit an Answer to this Petition within the deadlines prescribed by the Commission's rules and regulations.
4. Schedule and conduct a formal administrative hearing to address disputed issues of fact and law regarding the Certificate pursuant to S.C. Code Ann. §58-9-820 (Supp. 2010).
5. Require the Company to remove all PIC freezes on its customer accounts.
6. Find that the Company has not complied with orders, decisions, directions, rules and regulations made or prescribed by the Commission in that it has failed to pay into the USF and owes \$34,355.85.
7. Require the Company to pay the \$34,355.85 it owes to the USF within 5 business days of the Commission Order.
8. Enter a final order canceling the Certificates of Public Convenience and Necessity held by DialTone & More, Inc.
9. For other appropriate action which the Commission may deem necessary.



Nanette S. Edwards, Esquire

**South Carolina Office of Regulatory Staff**

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Columbia, South Carolina 29201

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January 11, 2012  
Columbia, South Carolina

Exhibit A  
Docket No.  
Rule to Show Cause DialTone More, Incorporated

January 11, 2012

Company Name	DBA	Certificate Type	Address	City	State	Zip	Docket #	Order #	Date Certified	Secretary of State Standing
DialTone & More, Inc.		CLEDC	6903 N. Wickham Road, Suite 403	Melbourne	FL	32940	1998-50-C 2005-123-C	1998-394 2005-455	05/29/98 08/25/05	Forfeiture on 07/05/11


<b>Registered Agent for DialTone &amp; More, Inc.</b>	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
National Registered Agents, Inc.	2 Office Park Ct., Suite 103	Columbia	SC	29223

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION**  
**OF SOUTH CAROLINA**  
**DOCKET NO. 2012-\_\_\_\_-C**

IN RE: Petition of the Office of Regulatory Staff for	)	
Commission to Order a Rule to Show Cause	)	
as to Why the Certificates of Public	)	
Convenience and Necessity of DialTone &	)	<b>CERTIFICATE OF</b>
More, Inc. Should Not be Revoked	)	<b>SERVICE</b>

This is to certify that I, Faith E. Shehane, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

National Registration Agents, Inc.  
Registered Agent for DialTone & More, Inc.  
2 Office Park Ct., Suite 103  
Columbia, SC 29223

  
Faith E. Shehane

January 11, 2012  
Columbia, South Carolina